

Remarks

The Examiner's Office action mailed November 20, 2003, which rejected pending claims 1-42, has been reviewed. In view of the following remarks, Applicants respectfully submit that the application is in condition for allowance.

The Examiner rejected claims 1-7, 9, 11, 12, 18, and 32 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent Pub. No. US 2001/0030785, filed by Pangrac et al. on December 22, 2000, and published October 18, 2001 ("Pangrac"). The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Pangrac in view of U.S. Patent No. 6,477,154 B1, issued to Cheong et al. ("Cheong"). The Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Pangrac in view of U.S. Patent No. 6,223,055 B1, issued to Cyr ("Cyr"). The Examiner rejected claims 8, 19-27, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Pangrac. The Examiner rejected claims 14-17, 28-31, 34-37, and 39-42 under 35 U.S.C. § 103(a) as being unpatentable over Pangrac in view of U.S. Patent No. 6,519,062 B1, filed on September 1, 2000, issued to Yoo on February 11, 2003, and taking priority to Provisional Application No. 60/185,640, filed on February 29, 2000 ("Yoo").

All rejections were made, at least in part, based on Pangrac. Other rejections were made, at least in part, based on Yoo.

Applicants submit herewith a Declaration under 37 C.F.R. § 1.131 signed by the living inventors demonstrating a date of invention (a complete conception and reduction to practice) prior to the earliest effective date of Pangrac. The Declaration also demonstrates a date of invention (a complete conception and reduction to practice) prior to the earliest effective date of Yoo.

Accordingly, Pangrac and Yoo are inapplicable as prior art to the present Application. Therefore, Pangrac and Yoo are removed from citation as prior art references and may not be used to reject the claims.

The Inventors' Declaration is made by fewer than all inventors. Three inventors are named in the application. Two inventors are making the declaration. The remaining inventor, John W. Linebarger, is deceased. The Declaration demonstrates that John W. Linebarger is deceased. ("Where it is shown that a joint inventor is deceased, refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient." MPEP 715.04.)

An Assignee Declaration is being filed in this Supplemental Response under MPEP 715.04(D).

Because all claims were rejected, at least in part, over Pangrac, and because Pangrac may not be used as a reference to reject the claims, all the claims are believed patentable over the references of record. Withdrawal of the rejection of claims 1-42 is requested.

With respect to claims 14-17, 28-31, 34-37, and 39-42, because Yoo may not be used as a reference to reject the claims, these claims are believed patentable over the references of record for this additional reason. Withdrawal of the rejection of claims 14-17, 28-31, 34-37, and 39-42 is requested for this additional reason.

Minor grammatical changes and claim number corrections have been made to some of the claims. These changes have not been made to overcome any rejections or for other reasons of patentability. Applicants have shown that the claims are allowable over the references of record.


The references cited by the Examiner and made of record have been reviewed by Applicants. Applicants have no further remarks with regard to the cited references.

Based on the foregoing, it is submitted that the Applicants' invention as defined by the claims is patentable over the references of record. Issuance of a Notice of Allowance is solicited.

Applicants' attorney welcomes the opportunity to discuss the case with the Examiner in the event that there are any questions or comments regarding the response or the application.

This is intended to be a complete response to the Examiner's Office action mailed on November 20, 2003.

Respectfully Submitted,  
LATHROP & GAGE L.C.

By   
James M. Stipek, Reg. No 39,388  
Lathrop & Gage, L.C.  
2345 Grand Boulevard, Suite 2300  
Kansas City, MO 64108  
Tel: (816) 460-5848  
Fax: (816) 292-2001  
Attorney for Applicant(s)